

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

VIRGINIA HUSSEY,

Plaintiff

v.

EAST COAST SLURRY CO., LLC;
INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 4;
HOISTING AND PORTABLE ENGINEERS
APPRENTICESHIP & TRAINING
PROGRAM aka HOISTING AND
PORTABLE ENGINEERS
APPRENTICESHIP & TRAINING FUND,
aka HOISTING AND PORTABLE
ENGINEERS APPRENTICESHIP &
TRAINING CENTER , and SUFFOLK
CONSTRUCTION COMPANY, INC.,

Defendants.

DOCKET NO: 1:20-CV-11511-MPK

**PLAINTIFF VIRGINIA HUSSEY'S ANSWERS TO
DEFENDANT INTERNATIONAL UNION OPERATING ENGINEERS
LOCAL 4'S FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1:

Please identify the person or persons answering these Interrogatories, and each person who was consulted or who provided information in connection with your answers to these Interrogatories, and describe the information provided.

ANSWER NO. 1:

Virginia Hussey.

INTERROGATORY NO. 2:

Please identify all documents referred to by the individual or individuals who prepared these interrogatory responses in the course of preparing these responses.

ANSWER NO. 2:

Any documents that are referred to in the answers to interrogatories have been produced to the defendant pursuant to the defendant's first request for production of documents or initial disclosure. (F.R.C.P. 33(d)).

INTERROGATORY NO. 3:

Please identify all persons who have knowledge of any of the facts, allegations and defenses asserted in the Pleadings (other than your lawyers) and describe the knowledge possessed by each such person.

ANSWER NO. 3:

I am not completely sure of the knowledge possessed by each person, however, with regard to the "work-related persons" listed below, that information is set forth in the answers to Interrogatories Nos. 7 and 8. The persons referenced as "friends and family" are non-work related persons that I discussed the matter with. With regard to Dr. Renner and Dr. Doshi, they are my medical care providers and I spoke to them about my injuries suffered as a result of the sexual harassment, retaliation and discrimination.

The plaintiff refers the defendant to the medical records from Dr. Renner produced pursuant to the defendant's request for production of documents (F.R.C.P. 33(d)).

Work Related persons

Tim Walker, Local 4 Steward
Craig Cunningham
Ryan
Mike Bowes- Local 4 President and Business Agent
Tom McEvoy- Teacher
Alexis Dunn
Brady Cunningham
Annmarie Long
Mr. Snow
Jimmy Demus
Jimmy Jarden
Michelle An apprentice

Tanya An apprentice
Joe Getchell
Victor apprentice
John Mahoney apprentice

Friends and Family

Michael O'Brien
Theresa Hussey-Rogers Mother
Michael Rogers
Paul Loder
Walter Hussey
Chanel Scimemi
Zeila Carreiro
Lisa O'Leary
Jillian Kippenberger
Kat Rutkin

Medical

Rebecca Mooney: She runs a women's program through the state, located in Melrose
Dr. John A. Renner, M.D., VA Medical Center, 251 Causeway Street, Boston, MA
Dr. Sucheta J. Doshi, M.D., VA Hospital, 150 South Huntington Avenue, Jamaica Plain, MA.

INTERROGATORY NO. 4:

Please identify all witnesses who will testify for you at trial, including for each witness her or his name, address, and a complete description of the subject matter of the testimony you expect from each witness.

ANSWER NO. 4:

No decision has been made as to witnesses which will be testifying on the plaintiff's behalf at trial. This response will be supplemented as appropriate, or the same information provided by a pre-trial order.

INTERROGATORY NO. 5:

Please identify each person that you expect to call as an expert witness in the trial of this case, stating with respect to each:

1. the expert's specialty, professional education and employment experience;
2. the subject matter on which he or she is expected to testify;
3. the substance of the facts and opinions to which he or she is expected to testify;
and
4. a summary of the grounds for each such opinion.

ANSWER NO. 5:

The plaintiff intends on calling as an expert witness Amy C. Vercillo. ScD., LRC, CRC, CDMS pursuant to F.R.C.P. Rule 33(d). The plaintiff directs the defendant to the report of Dr. Vercillo dated October 6, 2021 attached herewith and produced pursuant to the plaintiff's supplemental response to the production of documents to the defendant. (F.R.C.P. Rule 26(2)(a) and (B) and Local Rule 26.4(a).

1. Appendix No. 1 to the report details plaintiff's specialty, professional education and employment experience;
2. The report contains the subject matter upon which the expert is anticipated to testify. In summary: the vocational assessment and loss of income and access to the labor market by the plaintiff;
3. In summary (and contained in detail in the report) it is anticipated that the expert will testify that as a result of being sexually harassed and terminated as a result of retaliation and discrimination, the plaintiff is unable to obtain the higher salary that she would have been entitled to for the career for which she was working as an apprentice and that her income will be substantially reduced throughout her lifetime as detailed between the income anticipated to earn

as an apprentice for the defendants and the current employment as a sheet metal worker between \$66,160.00 as a sheet metal worker rather than \$110,320.00 as an operating engineer throughout her work life expectancy;

4. The grounds of her opinion are contained in the report.

INTERROGATORY NO. 6:

Please identify all documents the plaintiff intends to enter into evidence at trial.

ANSWER NO. 6:

No decision has been made as to documents that the plaintiff intends on entering into evidence at trial. This interrogatory answer will be supplemented as appropriate, or the same information will be provided pursuant to a pre-trial order. The documents that the plaintiff intends on introducing into evidence are among those that have been produced to the defendant pursuant to the initial discovery responses and the plaintiff's responses to the defendant's request for production of documents.

INTERROGATORY NO. 7:

Please describe in full detail each and every unlawful act that you allege in your Amended Complaint was committed by the Defendant.

ANSWER NO. 7:

Objection. The plaintiff objects to Interrogatory No. 7 as it calls for a legal conclusion and opinion of law. Without waiving said objection, the plaintiff alleges sexual harassment, discrimination and retaliation as described in the complaint and as set forth in the complaint and answer to Interrogatory No. 8 below.

In summary, I suffered repeated and pervasive sexual harassment and discrimination at my workplaces, by my employer(s), co-workers and my union. I relied on the various sexual

harassment policies of the union and my employers, and I repeatedly reported the incidents to my supervisors and persons to whom sexual harassment complaints are to be made. But nothing was done to alleviate the sexual harassment and discrimination or protect me from continued abuse. Furthermore, the defendant retaliated against me for complaining about sexual harassment and discrimination by immediately terminating me from the union and my employment after complaining.

The defendant treated me differently than males similarly situated.

The plaintiff directs the defendant's attention to the answer to Interrogatory No. 8 below. The plaintiff reserves her right to assert additional facts and claims in addition to those set forth here.

INTERROGATORY NO. 8:

Please describe in full detail each and every incident of sexual harassment that you allege that you experienced, including but not limited to the name(s) of the alleged wrongdoer, the date of the incident, and a description of what occurred.

ANSWER NO. 8:

I enjoyed my job until I was sexually assaulted physically and mentally for months by two men.

It started around September of 2018, with Bobby Atkins hitting me up asking me to be on his golf team for the 2018 Golf tournament for Local 4 in November. He stated that a few of the guys from the Company, East Coast Slurry and A.A. Will Corp., were putting together teams and asked if I wanted to be on his team. I told him no but that I would see if I knew anyone else who would want to play.

Around December of 2018, Bobby Atkins was studying for the CCO test (for the cranes), and had asked me if he could use my 2A/1C book because it had information to help him study for this test.

Bobby Atkins kept hitting me up for random things and that's when my boyfriend Michael had to send him a message to stop trying to talk to me unless it's work related.

One text message from Bobby Atkins stated, "You can be part of our foursome. Then it said, get your mind out of the gutter."

I didn't hear from him again till I was sent down to the A.A. Will Corp. yard in Stoughton, Mass., where he was working. Bobby Atkins would always call me over to tell me stories about his girlfriend and then say I should come out with them. He would also ask me inappropriate questions regarding weight and chart questions.

Then I was sent back to a job site at North Point in Cambridge. I was then sent to the work site at Winthrop Square in Boston to put the hydro mill together (a specialty machine). Bobby Atkins was there and he tried to start trouble with me and another worker Jimmy Jardine and also made statements saying that I am a woman and have to try twice as hard [as a man] to even get noticed. Bobby Atkins complained that I shouldn't be on that machine so the company sent me back to North Point.

I then came back to Winthrop Square in Boston, and this is when the verbal assaults really started happening.

The first time, Bobby Atkins touched me on my shoulders and rubbed my hair. He made me feel very uncomfortable when he was doing this and I asked him to keep his hand to himself. I felt helpless.

On Feb 14, 2019, in the break box, Bobby Atkins rubbed my sides with a sexual intent. Bobby's hands went up and down my sides, from under my armpits down to my hips, multiple times as I had my head down because I had a bad headache at that moment. I was appalled by the way he was groping me. I yelled and screamed. I felt violated. Two other employees, Ryan and Tanya were in the box with me when it happened.

I told Tim Walker the Local 4 Union steward about the assault. Bobby Atkins himself called Mike Bowes and talked bad about me. I was so weirded out by this whole matter that I didn't even want to come to work. I cried that day. Bobby Atkins told me that he had been in the Union for over 25 years and I was brand new and no one would believe me over him.

Another verbal assault was when I was talking to Tim Walker about a problem with one of the hammers. Bobby Atkins walked over and interrupted our conversation and told me to "shut up and to only speak when spoken to because I was just an apprentice." I was so offended that I then turned to him and said I don't care who you think you are but I am tired of the way you treat me and I walked away angry and crying. As I walked away, I heard Timmy and him talking but I don't know what else was said. Once Bobby walked away Timmy called me on my phone to come back over to his crane and asked if I was ok. I felt as if no one was truly helping me and Bobby kept getting away with everything he was doing so of course I knew that this behavior wouldn't stop. I was scared to go to work.

A few days later I was running the Mantis the crane the Union steward Tim Walker normally runs, and he asked me to run it to give him a break. Bobby Atkins waited for Timmy to leave the jobsite to walk all the way across the site over to me where he said, "you don't know what you're doing." He said that Timmy set me up to fail. He started to ask me

questions about the machine in a mean manner. I answered all his questions with the right answers but he said, "I don't care, you still don't know what you're doing." Bobby slammed the door causing a scene as everybody was watching him yell at me. At this point I was crying. I called Timmy Walker and told him I didn't want to run the Crane anymore, and asked him to return. When Timmy arrived back on the job site he and Bobby had an argument in the middle of the jobsite where everyone could see and hear them.

Mike Bowes came and spoke with me and said that I should stay away from Bobby rather the other way around. He said it's difficult to get union members released from a jobsite. At this point I stopped doing the job that I had always done, and going around helping everyone else including the master mechanic. I would now just come in and stay on my machine. One morning I was speaking to a guy name Eddie who was covering the plant that day for a different Eddie, and as I walked out of the box, I felt someone behind me. It was Bobby Atkins. He pushed me really hard and I went flying. I turned around and told him to go f**k himself and ran over to Craig on our machine crying and told Craig that Bobby had just pushed me. I ran over to my operator Craig crying telling him what had just happened, I also told Timmy Walker and Mike Bowes and still nothing was done about it.

Craig yelled but yet again nothing was done to Bobby Atkins. I didn't *even* want to come to work anymore because this guy kept messing with me and again told me that he had been in the Union for over twenty-five years and no one would take my side over his. I felt defeated because no one was doing anything to help me. I didn't enjoy going to work any more because I was scared at what Bobby would do to me again.

At this point I tried my hardest to stay away from anywhere Bobby Atkins was but it's hard when he was always in the "box" (the break place where everyone goes to take their breaks.) Eventually Bobby Atkins was replaced by another operator whose name is Henry.

Then Henry himself started to harass me and ask me out. He had asked me out four times in the matter of three weeks before he was yelled at by the steward Timmy Walker who had heard it the fourth time. Every time he asked me out, I told him I wasn't interested. Mike Bowes was told all this by Timmy Walker. He stated that Henry knew he replaced Bobby Atkins and why he replaced him and still he kept being persistent about asking me out.

Mike Bowes stated to me that I was a pretty woman and that he didn't know what he was going to do with me because all these guys are going to keep hitting on me. I took it as if he was telling me that I was the problem.

On March 20, 2019 East Coast Slurry and A.A. Will Corp. sent out its harassment representative/ lawyer from the company, Alexis Dunn who is also the owner's daughter to take me to lunch. She asked me to tell her everything that had happened to me. She asked if I need anything and that they would pay for me to go talk to someone. I told her I already go to counseling for my PTSD once a month at the VA Hospital.

Everything that had happened to me regarding Bobby Atkins was report to my "chain of command" steward and business agent as I should have.

After the second time Bobby Atkins put his hands on me Mike Bowes thanked me for the way I was handling this because I could have called the police and could have made a big scene. I told him I don't want to be known for the women who got a man kicked off a jobsite, that I wanted to be known for a good operator but that I couldn't handle it much longer

because nothing was being done. I also told Mike Bowes that it's hard as an apprentice to speak up because I was scared to lose my job.

During all of this I was not able to focus on anything else and was unaware that I had to take the 48 test, once I was told about it by my classmate, I immediately sent in an application to take the test. I got a 68 which was not passing, with no study material because when I asked the instructor, she told me that I would be ok and there was nothing to worry about. Once I received my mark I again sent in another application and got a 68 again. Mike Bowes told me not to worry because of everything I was going through and that he had my back. He stated this not only in front of Craig Cunningham but James McCarthy who was the Steward once Timmy Walker had left.

At the Operation Engineer School in Canton, I was in class/ field training and started to cry because I was having a hard day with everything. My teacher Mr. Cullen came to me and asked what was going on. I told him most of the things that was happening on the jobsite and said that I didn't want any of my classmates to know but that I was having a hard time. I also on this day spoke with Mr. Tom McEvoy. He asked me why I had not taken the 48 test yet, I told him that I just took it and that I received a 68 on my 48 test but that I had a lot going on at the jobsite and I was unable to concentrate on anything else because I was being assaulted and harassed. He said that didn't care, he just told me to take the test again.

I was told that I had to meet with the Board of Trustees to discuss why I got a 68 on the exam. Before I met with the Board, Mike Bowes told me to tell them that I take responsibility and that I will retake the 4b test and should be able to pass it now if they give me another chance.

On August 27, 2019 I met with the Board of Trustees and when in this meeting with all men they asked a women secretary to sit in because I was the only female. When they asked me questions I started to cry and told them that as of January 2019 I was being sexually assaulted as well as verbally assaulted for months. They looked shocked and confused. That is when Mike Bowes interrupted and told me to stop talking and told them that the "situation has been handled and it's over with." I felt discarded and abandoned at this point because Mike Bowes told me he had my back but it was the complete opposite. I then just sat there and cried. I honestly don't remember much after that because all I said was "yes sir" from that point forward and just listened as I cried my eyes out. I felt so alone and helpless, I just wanted to leave at this point because no one cared what happened to me and again this other man, Henry was on the jobsite still bothering me and I was still dealing with what Bobby had done to me.

The next day, August 28, 2019 Mike Bowes came on to the jobsite and came right up to my machine and asked me to come down and talk to him. He shook my hand and said, "good morning, I want you to know that we voted and you will be dismissed from Local 4 and today is your last day of work." I stood there in shock for a second as he walked away like it was nothing. I broke down and dropped to my knees crying because this is the same guy, my president and business agent, that told me I had nothing to worry about and that he had my back, and he just came on the site and embarrassed me because there were people watching as it was in the middle of the jobsite. I couldn't breath and never in my life felt the way I did at that moment when he did that to me in front of everyone never mind did it to me period. I was embarrassed and felt so abandoned.

The day that I was at the Board of Trustees another apprentice Nick Gates was there who had also not completed his work or passed the tests. He went into the meeting and came

out and told me that they gave him the opportunity to retake the tests and continue employment. I also learned that it is standard that if one misses passing by one or two points the apprentice is given the opportunity to retake the test.

Prior to the incidents, in March of 2018 before any of this happened, I spoke at City Hall in Somerville at the request of Local 4 on behalf of the Boston Building Trades. The mayor didn't want unions on upcoming job sites, but because I am a disabled retired veteran that was born and raised in Somerville, the union asked me to speak on their behalf.

On April 17, 2018, I had to sign a disciplinary agreement. I was required to sign a Disciplinary Agreement April 17, 2018 for allegedly not telling the Apprenticeship Program that I supposedly moved to a different employer. But the move was from A.A. Will to East Coast Slurry, Co., which is actually the same company, with the same owners and same jobsite. I was unaware that technically they were shifting me to different corporate entities when in fact it was all the same. No one sits down and explains all the details of what you need to do, and I missed some classes, and no one explained this to me.

Ten days later on April 27, 2018, I spoke at a big rally and parade with the Boston Building Trades which included all the unions in Somerville I was asked by Local 4 to speak. I was wearing a Local 4 shirt, and I was the only apprentice and Local 4 member who spoke.

In October, 2018 I went door to door for Boston Building trades, representing Local 4 again, personally called me to help.

I also spoke at the State House on this same matter. I was not just the only apprentice but also the only union member who spoke. I was next to lawyers and other people in suits who represented a number of organizations but again I was there on behalf of Local 4 and asked by them to do this for all the unions. (B.B.T)

I was also at all different campaigns for politicians that Local 4 supported. I did a few knocking on doors for these politicians not only myself but with my son, boyfriend and even mother. Billy McLaughlin who is the business manager, of Local 4 asked me and my mother to stand next to him for a photo that was in the Local 4 magazine.

Tom McEvoy told me that I had been nothing but a problem to him since I started.

When I was on the probationary period as was everyone is for the first six months, there is certain paperwork that has to be signed and handed in. Not only did I collect the paperwork for my class I was the first one to get the paperwork signed at the Local 4 meeting the night before. The coordinator, Mr. Gaffney knew this. The evening I went into the office to end my probationary period of probation Mr. Gaffney told me I would continue on probation for another couple of months because not all of my paperwork was handed in. I told him, "yes it was." When I asked him what paperwork he was referring to the reply was the business agent paper that needed to be signed. He even said that he saw me get it signed but that I didn't pass it in. I said I was the one who collected them for the teacher and that they must have lost it. That didn't matter to him. That is when I told him I had my own copy of all the paperwork that I had to hand in. At this time, they took my copy to make a copy for themselves and I was then released from probation and proceeded on with the program. If I didn't have my own copies they wouldn't have cared and would have kept me on probation even though they lost my paperwork.

Tim McEvoy called my parents after I was dismissed from the apprenticeship program and fired from East Coast Slurry and A.A. Will and told them not to believe anything I was saying and that I was lying about everything. He also told me that I didn't care

about the 4B test because I had time to not only play softball but because I had plastic surgery on my breasts.

I also saw Bobby Atkins put his hands on another female apprentice and would always mess with her as well, but when she and I spoke she told me that she didn't want to speakup because she was scared for her job.

Annie Long who is a teacher at the school also told me herself that Bobby Atkins had done the samething to her when she was an apprentice 17 years ago, but times were different back then.

Since all this has happened to me, I have had a hard time daily trying to figure out why I was the one being assaulted and then penalized for it. I am discouraged at how I was treated.

INTERROGATORY NO. 9:

Please identify all medical providers and counselors you have seen concerning emotional injuries allegedly caused by or related to any unlawful act alleged in your Complaint, including the dates of treatment.

ANSWER NO. 9:

Dr. John A. Renner, M.D., VA Medical Center, 251 Causeway Street, Boston, MA
PTSD and mental health, trauma doctorHe was the one I spoke with the most and felt hopeless.

The plaintiff directs the defendant to Dr. Renner's records produced pursuant to the plaintiff's response to defendant's request for production of documents (F.R.C.P. 33(d)).

Dr. Sucheta J. Doshi, M.D., VA Hospital, 150 South Huntington Avenue, Jamaica Plain, MA - Primary care doctor but also helps me with health and mental health issues if needed but helped talk me through it as well.

The plaintiff directs the defendant to Dr. Doshi's records produced pursuant to the plaintiff's response to defendant's request for production of documents (F.R.C.P. 33(d)).

INTERROGATORY NO. 10:

Please itemize any and all damages, whether economic, emotional or other, that you allege were caused by Local 4.

ANSWER NO. 10:

Damages

Anxiety

Depression

PTSD

Not sleeping

Nightmares

Shame

Insecurity

Loss of earning

Lost earning capacity

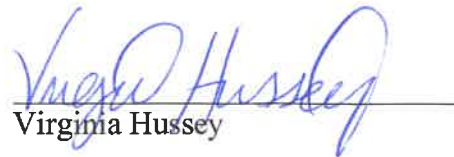
Loss of Housing

Fear around men

Loss of self-worth

\$5,000.000.00

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 21st DAY OF
October, 2021.


Virginia Hussey

As to Objections:

/s/Bradford N. Louison

Bradford N. Louison (BBO# 305755)

blouison@lccplaw.com

Louison, Costello, Condon & Pfaff, LLP

101 Summer Street

Boston, MA 02110

617-439-0305

FAX: 617-439-0325

Date: October 21, 2021

CERTIFICATE OF SERVICE

I hereby certify that on 21st day of October, 2021 , the foregoing document was served electronically to all defendants' counsel registered on ECF.

/s/Bradford N. Louison

Bradford N. Louison